

HOUSE No. 2820

By Mr. Lepper of Attleboro, petition of John A. Lepper and others for legislation to establish a separate fund to assist relatives who care for non-custodial children. Children and Families.

The Commonwealth of Massachusetts

PETITION OF:

John A. Lepper	Patricia D. Jehlen
Susan W. Pope	Paul J. Donato
Brian Knuuttila	Charles A. Murphy
Jeffrey Davis Perry	Robert Correia
Shirley Gomes	Paul K. Frost
Michael J. Coppola	Michael J. Rodrigues
Elizabeth A. Poirier	Colleen M. Garry
Marie P. St. Fleur	Viriato M. deMacedo
Stephen R. Canessa	John W. Scibak
Jennifer M. Callahan	Kathleen M. Teahan
Stephen P. LeDuc	James R. Miceli
Douglas W. Petersen	Byron Rushing
Anne M. Paulsen	Barbara A. L'Italien

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE PRESERVATION OF FAMILIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 10 of the General Laws is hereby
- 2 amended by inserting after Section 35N the following section:—
- 3 Section 35O. There shall be set up on the books of the Com-
- 4 monwealth a separate fund to be known as the Family Preserva-
- 5 tion Trust Fund, to be administered by the Executive Office of
- 6 Health and Human Services, for the purposes of keeping children
- 7 who cannot live with their parents, together with their relatives
- 8 and to prevent alternative foster care placements. Said fund shall

9 consist of all monies appropriated therefor in each fiscal year and
10 any additional sums which they may receive from other state, fed-
11 eral or private sources.

12 The Secretary of Health and Human Services shall direct the
13 Commissioner of the Department of Transitional Assistance to
14 develop a plan to obtain funds for said fund and shall consult with
15 the Department of Revenue in regard to any available funds col-
16 lected by said Department including a portion of child support
17 retained revenue, which shall be collected from the parents of
18 children being raised by their relatives and how they may be
19 directed to such funds.

1 SECTION 2. Chapter 118 of the General Laws is amended by
2 inserting after section 9 the following sections:—

3 Section 9A. In determining eligibility for any benefit program
4 administered by the Commonwealth or any agency, subdivision
5 thereof, which has eligibility requirements, the Commonwealth
6 and any agency or subdivision thereof shall not consider any ben-
7 efits received under this chapter or pursuant to Section 9B by a
8 receipt for a child in his care or custody who is a relative but not a
9 son or a daughter.

10 Section 9B. Grantees, relatives as described in Section 9A,
11 shall be eligible to receive financial assistance to assist them in
12 preserving their families from the Family Preservation Trust Fund,
13 established in Section 35O of Chapter 10; provided, however, that
14 such assistance in total shall not exceed the cost of a foster care
15 placement for child. The Commissioner of the Department of
16 Transitional Assistance shall promulgate standards, rules and reg-
17 ulations to implement the provisions of this section. Such rules
18 and regulations shall include income eligible guidelines whereby
19 families with incomes below 185% of the federal poverty level
20 will be eligible.

21 Section 9C. Any money set aside pursuant to the Uniform
22 Gifts to Minors Act for educational purposes shall not count as
23 income or assets in determining aid pursuant to this chapter.